

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Adams et al.,

Plaintiffs,

-against-

The City of New York,

Defendant.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 10/19/2018

1:16-cv-03445 (RA) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

On October 19, 2018, the parties filed a stipulation of voluntary dismissal with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), as to Plaintiffs Caroline Crawford, Lori Cruz, and Michael Trano. (ECF No. 94.) However, as Plaintiffs claims arise under the Fair Labor Standards Act (“FLSA”), the parties may not stipulate to dismissal with prejudice without approval of the Court or the Department of Labor. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015).

Thus, no later than Friday, October 26, 2018, the parties shall either: (1) submit a joint letter explaining the basis for the dismissal with prejudice and why it should be approved by the Court; or (2) submit a stipulation or notice of voluntary dismissal without prejudice. *See Yunjian Lin v. Grand Sichuan 74 St Inc.*, No. 15-CV-02950 (RA), 2018 WL 3222519, at \*4 (S.D.N.Y. July 2, 2018) (stipulations of dismissal without prejudice need not be approved by the Court under the FLSA).

**SO ORDERED.**

DATED:        New York, New York  
                 October 19, 2018

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge